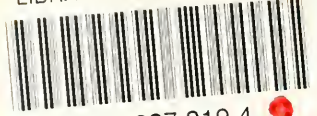


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S P E E C H

OF

HON. ELI S. SHORTER, OF ALABAMA,

ON THE

MASSACHUSETTS PERSONAL LIBERTY BILL

AND THE

CONSTITUTIONAL RIGHTS OF THE SOUTH.

DELIVERED IN THE HOUSE OF REPRESENTATIVES APRIL 9, 1856.

WASHINGTON:
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SPEECH.

The House being in Committee of the Whole on the state of the Union,

Mr. SHORTER said :

Mr. CHAIRMAN: The gentleman from Massachusetts, [Mr. DAMRELL,] who addressed the House on the 18th of last month, took occasion in his remarks to allude, as I thought, rather sarcastically to certain resolutions which I attempted on several occasions to introduce for the consideration of this body. Those resolutions had reference to an act passed by the legislature of his State in the month of May last nullifying the fugitive-slave law of A. D. 1850. I propose this morning to devote a portion of my time to a discussion of the principles involved in those resolutions, and, after that, to pay my respects to the honorable gentleman, and attempt a reply to some points in his speech to which my attention has been called.

It is true, sir, that my resolutions are not before the House for its immediate action, because, whenever they were offered, objections were interposed from the opposite side of the hall. Thus, a fair discussion of their merits, and the expression upon record of the opinion of this House thereon, have been evaded by a recourse to the technicalities of the rules by which the legislation of the country is here conducted. From the political organization of this House, no man could reasonably expect ever to be able to press to a final vote any resolution, however sound in principle, which, if adopted, would exclude the delegation of an abolition State, and create a vacancy in the Speaker's chair.

Mr. Chairman, the fifteen slave-holding States of this Union are vitally interested in the faithful execution of the fugitive-slave law. The right of recapture is guaranteed to them by the constitution of the United States, and Congress has passed laws to enforce that right. But Massachusetts, unmindful of the obligations she owes to the South, has seen proper, by her personal-liberty bill, practically to deny us the enjoyment of that right upon her soil. To-day we also find the great State of Ohio beginning a system of legislation similar to that adopted by Massachusetts. It is difficult, indeed, to enforce at this time the law for the recovery of fugitive slaves in any of the northern States. If Massachusetts has the right to nullify the act of A. D. 1850, she may also, with equal propriety, repudiate all laws passed by Congress. If one State can assume such a position, and maintain it *within the Union*, so may every other State follow her example. What, then, becomes of that clause of the constitution of our country which reads:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

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E. H. Weeks, Jr.

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I do not intend to discuss the question involving the right of the South to hold their slaves. That is a subject over which you have no jurisdiction. The gentleman from New York, [Mr. GRANGER,] in the very extraordinary speech which he delivered here a few days ago—and which, by-the-by, was nothing more than an *echo* (and a feeble one at that) of the address published by the radical abolitionists who held their meeting last year in Syracuse—denied that there was any *legal slavery* in the United States. I commend to his study the history of his country. If, however, he entertains any doubts as to the *legality* of the institution in *Alabama*, let him visit my State and violate our laws regulating slave property, and in that manner he can satisfy himself. Let me tell him, sir, that the South does not derive the right and title to her slaves from the constitution of the United States. We hold them by virtue of a power greater than that constitution—one which existed before its adoption, and which is above and beyond it. *We hold them by virtue of State authority.* When the constitution was adopted, it recognised slavery as an existing institution, and threw around it the protecting arm of the government. The question now is, whether that protection shall be afforded to the South, and her people sustained in their constitutional rights?

The vast amount of capital invested in this species of property may be readily ascertained by reference to the census of A. D. 1850. The aggregate number of slaves throughout the South is about three million two hundred thousand. Their present market valuation may be estimated at two thousand millions of dollars. The New York Times, an abolition paper, states that, since the passage of the fugitive law in 1850, *thirty-five thousand slaves* have made their escape from the South into the free States, and have been lost to their owners! Why is it, I ask, that the border States are thus subjected to a loss of *four millions of dollars* annually? Because of the failure of a portion of the northern people to discharge their constitutional obligations. No wonder, then, the South is so keenly sensitive upon this subject.

It is well known, sir, that when the constitution of the United States was adopted African slavery existed in nearly all of the original thirteen States. Several of them had, previous to that time, commenced a system of legislation looking to the gradual emancipation of their slaves. For all practical purposes, when the convention assembled, one-half of the States represented may be regarded as being opposed to slavery. Under these circumstances, when our fathers met together to frame the constitution—with the recollections of the glorious revolutionary struggle through which they had just passed still fresh in their memories—they found it necessary, in order to establish the Union, to yield to the South the right to recapture their fugitive slaves wherever they were found. A clause guarantying that right was inserted into the constitution without a dissenting voice. Massachusetts was present in the persons of Gorman and King, and signed the bond! She afterwards ratified their action by adopting the constitution in her sovereign capacity. Without that clause in the constitution the Union never would have existed. Destroy it practically by State action, or by the repeal of the fugitive act of 1850, and you believe that the South, less patriotic now than in the days of the revolution, will quietly submit to the sacrifice of her rights,

and still cling to the Union? If such is public opinion at the North, let it be at once undeceived. We understand, gentlemen, what our rights are under the constitution, and with the blessing of God we mean to maintain them. *We ask for nothing more—will be content with nothing less.*

When the Union was formed, all the States that were parties thereto agreed, as before stated, by *solemn compact*, to deliver up fugitive slaves on demand of their owners. How has that compact been observed by some of the northern States? Let the \$1,000,000 annually lost by the South in fugitive slaves answer the question. Let the personal-liberty bill of Massachusetts speak. And yet—"tell it not in Gath, publish it not in the streets of Askalon"—we find *honorable* members from that State coming into this hall, and, with unblushing effrontery, talk to us about the injustice practised upon the NORTH in the repeal of the "Missouri Compromise." Go back, gentlemen, to the *original compact* which your fathers made with our fathers when the Union had its birth. Inquire if you have complied with the conditions of that bond? If you have been faithless to *your* constitutional obligations, it ill becomes you to complain of violated faith, even if any wrong had been done you by the repeal of the Missouri restriction. Why, sir, soon after the adoption of the constitution, the free States themselves believed it was *their duty*, from the terms of the compact, to aid in the surrender of fugitive slaves; and many of them passed laws to facilitate their recovery. They have the right, and I hold are in honor bound, to legislate in such a manner as will assist southern men in recapturing their slaves; but they have no power to pass any laws limiting or restraining the exercise of the constitutional right of recapture.

What has been the history of the legislation of Congress on this subject? The first fugitive-slave act was passed in 1793, and was signed by the "Father of his Country." But experience developed defects in that law, and it became necessary to change it. What were those defects? The judge or magistrate had no power to issue a warrant for the arrest of the fugitive, or for his committal after conviction. The sheriff was not liable *officially* for an escape; and the *penalty* imposed for resisting or obstructing the law was too small to secure its enforcement. Under those circumstances, the South demanded further legislation from Congress to protect her constitutional rights. The act of 1850 was passed; but how did it pass? Was it granted to us as a matter of right? By no means; but reluctantly yielded by way of a *compromise!* The war with Mexico had terminated; the flag of our country had been borne in triumph over many a field of carnage, until it waved over the halls of the Montezumas. Peace came, and brought with it, as the spoils of victory, a vast acquisition of territory to the Union. But how much did the South receive for her portion? California was forced prematurely into the Union as a free State, and by that act the South was robbed of *an empire* on the Pacific, richer than that of the Cæsars. The terror of the Mexican law abolishing slavery now hangs over Utah and New Mexico, and excludes southern emigration. At the point of the federal bayonet the citizens of Texas were driven off from a part of their soil, and forced to sell her slave territory to enlarge the limits of an embryo free State. You violated the constitution of the United States by abolishing the slave trade in the District

of Columbia, and giving freedom to the slave as a penalty for the infraction of the law. And what, I ask, did we of the South receive? Did we not bear our full share of the burdens which that war imposed? Did we not furnish nearly two-thirds of the soldiers, and among them the flower of our chivalry, who fought those memorable battles which shed such imperishable glory upon our arms? Was not a southern general the hero of Buena Vista? Did not my distinguished friend who now sits near me, [General QUITMAN,] than whom a truer patriot or braver soldier never lived, cause the first American flag to be unfurled in the hour of victory over the capitol of the enemy? All this was done by the South; and not a foot of the territory acquired by the treaty of Gaudalupe Hidalgo was assigned to us!

But what did we get under the misnamed "compromise" of 1850? *The fugitive-slave law, and the repeal of the old Missouri restriction!* Why was it necessary for the South to abandon rights so important to her welfare for the act to recover her fugitive slaves? Did not the constitution, from the foundation of the government, guaranty her that right? Certainly it did. But the North refused to execute the law of 1793. Under such circumstances, therefore, and as a *compromise* with the North, the act of 1850 became a law. It clearly is entitled to more consideration than mere ordinary legislation. But, notwithstanding that, the abolitionists themselves assert that the South has lost in fugitive slaves \$35,000,000 since the passage of the act. During the present session of Congress we have heard gentlemen representing here States that have nullified this law, either by positive enactments or by mob violence, descant extensively about "compacts" violated on the part of the South. I hope and pray God that my section of the Union may never again, in an evil hour, be inclined to "compromise" with the North on the subject of slavery. A few more such compromises as those we have made, and the fate of the South will be sealed.

Let us now briefly examine this personal-liberty bill of Massachusetts, about which so much has been said, and ascertain what are its provisions. I want the whole country, both North and South, to understand it; for I have never seen it published in full in any newspaper. I had to send to Boston for the copy which I have.

The act extends to fugitive slaves the right of *trial by jury and habeas corpus*.

It authorizes the State officers to *bail* the slave without a *minimum* limit, and gives the jury the right to determine both *law and fact*.

The owner is not allowed to testify; no confessions, admissions, or declarations of the slave are admissible in evidence; and no *ex parte* deposition or affidavit received in proof in behalf of the claimant.

All persons holding office under the laws of Massachusetts are prohibited from issuing warrants or serving process in fugitive-slave cases, under *penalty of forfeiture of commission* and disqualification *for ever thereafter* for holding any office in that State.

The counsel for claimant is prohibited from ever again practising law in Massachusetts.

Sheriffs, and all other officers in that State, are prohibited from aiding in the arrest and return of a fugitive slave under penalty of a *fine*

not less than one thousand dollars, and by imprisonment in the penitentiary for not less than one nor more than two years!

The act further provides for the appointment of attorneys in each county, whose duty it is to defend all fugitive slaves at the *expense of the State of Massachusetts*, and refuses the use of the jails for the benefit of their owners.

Such, sir, is the personal-liberty bill of Massachusetts! Is it not wholly at war, not only with the spirit, but the letter itself, of that clause of the constitution which binds Massachusetts to deliver up our slaves "on claim of the owner?" Does it not completely nullify the act of 1850? What, I ask, is the constitutional right of recapture on her soil worth to the South to-day? Before the passage of the personal-liberty bill, it cost about \$30,000 to execute the law of Congress when the slave Burns was arrested in Boston. Now, should my slave escape into that State, and I follow him, and comply with all the requisitions of the federal law, I cannot recover my property. No attorney can represent my cause! Should I be fortunate enough to arrest my slave, a common justice of the peace has the power to issue the writ of *habeas corpus*, and discharge him on a *bail bond*, with no heavier penalty than *one dollar!* No State officer can come to my assistance, because the penitentiary would be his reward.

The fugitive-slave law of 1850 denies to the slave the right of trial by jury and *habeas corpus* in the State where he is arrested. The law of Massachusetts confers that right upon him, and thereby conflicts with the act of Congress. If fugitive slaves are to have the benefit of the writ of *habeas corpus* and jury trial in the North, the South might as well consent at once to strike out from our constitution the right of recapture. We want the *substance*, not the mere *shadow* of our rights. The gentleman from New York [Mr. GRANGER] admitted in his speech that the writ of *habeas corpus* "would make slavery impossible in America." Of what value would "trial by jury" be to southern men in Massachusetts? I do not believe that a slave would ever be surrendered to his master by a verdict of such a tribunal. It would be almost impossible to empanel a jury in that State without having some men on it who believe in a *higher law* than the constitution. How does Massachusetts attempt to justify her conduct before the people of this country? She says that the act of 1850 is *unconstitutional*, and that therefore she will not submit to it. That law was passed by Congress in 1850, and was signed by Mr. Fillmore. When President Pierce was inaugurated, he said in his address that this act was "strictly constitutional," and should be "unhesitatingly carried into effect." But upon what grounds does Massachusetts claim that the law is unconstitutional? Because it withholds from the slave "trial by jury" and benefit of "*habeas corpus*." The act of 1793 was similar in that respect to the act of 1850. Neither of them conferred any such right upon the slave. That law has often been examined by the highest judicial tribunals of the country, and always sustained.

Pennsylvania once passed a law by which an attempt was made to regulate and qualify the right of the South to reclaim her fugitive slaves. She did not go half as far as Massachusetts has gone towards defeating that right. Her law was reviewed at length by Mr. Justice Story in the Supreme Court of the United States, in the case of *Prigg vs. The*

Commonwealth of Pennsylvania. As his opinion covers the whole question, I ask the indulgence of the House to read certain parts of it. Speaking in reference to that clause in the constitution which treats about fugitive slaves, he says :

"The clause was of the last importance to the safety and security of the southern States, and could not have been surrendered by them without endangering their whole property in slaves. How, then, are we to interpret the language of the clause? The answer is, in such a manner as consistently with the words shall fully and completely effectuate the whole objects of it."

"The clause manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which *no State law can in any way qualify, regulate, control, or restrain*. The slave is not to be discharged from service or labor *in consequence of any State law or regulation.*"

"Now, certainly, without indulging in any nicety of criticism upon words, it may fairly and reasonably be said that any State law or State regulation which interrupts, limits, delays, or postpones the right of the owner to the immediate possession of the slave, and the immediate command of his service and labor, operates, *pro tanto*, a discharge of the slave therefrom."

The question, sir, resolves itself into a nut-shell. If the personal-liberty bill of Massachusetts, in any particular, "*interrupts, limits, delays, or postpones* the right of the owner to the immediate possession of the slave," the Supreme Court says it violates the constitution of the United States. That law does all these things, and more. It is not only unconstitutional, but is a flagrant breach of good faith to the South on the part of Massachusetts. I concur fully with the President of the United States in the opinion expressed in his late annual message, that such an act "would be *cause of war* as between foreign powers, and only fails to be such in our system because perpetrated under cover of the Union."

Mr. Chairman, the fact cannot be concealed—it is so apparent that he "who runs may read it"—that the nullifying law of Massachusetts is the legitimate offspring of the deep-seated anti-slavery feeling which controls the mind and heart of her people. To carry out their fanatical purposes, they will override law, order, the constitution, and the church itself. They are thoroughly identified with the radical abolitionists who met last year in Syracuse, and proclaimed to the world that there was no "legal slavery in the United States." That convention adopted a resolution calling upon all the northern States to pass laws to nullify the fugitive act of 1850. In their published address to the people of this country they say :

"Fugitive-slave bills are an outrage, because slavery is an outrage. They are unconstitutional, because slavery is unconstitutional. They are to be trampled under foot as unlawful, because slavery is to be trampled under foot as unlawful. The national government is to repeal them by the national suppression of slavery."

Now, sir, the resolutions which I offered to the House embraced this principle : that whenever any State in the Union, in *its sovereign capacity*, nullifies the laws of Congress and the federal constitution, it is practical *secession* on the part of said State; and that the general government, represented by Congress, ought to ignore that State in all the appropriation bills, and exclude her from representation here. That, sir, is my doctrine. I believe in the right of a sovereign State to secede from the Union whenever she determines that the federal constitution has been violated by Congress; and that this government has no constitutional power to coerce such seceding State. Two, at least, of the

original thirteen States, so guarded were they upon that point that, when they ratified the constitution, they expressly reserved the right to resume all the power they had delegated to the federal government. This government has no *original, no inherent powers*. All it possesses were derived from the States, and it is limited to the exercise of those only, and cannot transcend them. Whenever the agent is greater than the principal—the creature than the creator—then, but not till then, will the federal government be greater than the sovereign States of this Union. I do not believe in the doctrine that a State can nullify the laws of Congress, trample under foot the constitution, and at the same time *remain in the Union*. The two positions are wholly inconsistent with each other. She cannot be allowed to share the benefits of the government while she refuses to bear its burdens and submit to its authority. Whenever a sovereign State assumes that position, she places herself outside of the Union. From whence do you derive the power to coerce back into the Union a seceding State? Can you point your finger at the clause in the constitution which confers it? Do you find it in that section which says that the “constitution, and the laws of the United State which shall be made in pursuance thereof, &c., shall be the supreme law of the land?” and that the President “shall take care that the laws be faithfully executed?” When you read that to me, I point you to the debates in the convention which framed that constitution—to the propositions which were there submitted by Governor Randolph, Charles Pinckney, and Mr. Patterson, to confer this very power on the general government, and which, after full discussion, were all voted down. Jefferson and Madison, it is reasonable to presume, understood the constitution. The Virginia resolutions of 1798, and those of Kentucky in 1799, (and which at the late democratic convention in Virginia were reaffirmed,) expressly assert the right of the States to determine for themselves the constitutionality of the laws passed by Congress, and to interpose in their sovereign capacity for “maintaining within respective limits the authorities, rights, and liberties appertaining to them.” Again: when Congress came to legislate for the purpose of carrying into effect those clauses of the constitution which I am now discussing, they passed a law, in 1795, authorizing the President to call forth the *militia* in certain cases. By an examination of that act it is clear that it applies solely to *insurrections and combinations of individuals* to resist the laws of Congress; it does not apply to *States*. The act of 1807, which confers the power on the President to employ the *army and navy* to enforce the laws, expressly limits its exercise to such cases only “where it is lawful” to “call forth the *militia*.” If the President has the unlimited power to use the army and navy in *all cases* where the laws are resisted, why did the Congress of 1807 restrict it to such cases only as where it was “lawful” to call out the “*militia*?” The conclusion is irresistible that there might arise obstructions to the execution of the laws where it would not be “lawful” for him to employ the army and navy.

The question now properly arises: has Massachusetts, in her *sovereign capacity*, nullified the fugitive-slave act of 1850? If she has, then she has voluntarily placed herself outside of the Union; has no right to be heard in this hall, and, least of all, to occupy the Speaker’s chair.

In what manner, then, is the sovereign will of any State in this Union to be expressed? The most usual way, I admit, is through a convention of the people. The constitution of the United States was adopted upon that principle. All amendments to that constitution must be ratified by three-fourths of the several States in their *sovereign capacities*. And yet, in the fifth article of that constitution, we discover that there are *two* modes of ascertaining the sovereign voice of the States—the one, through conventions; the other, through their legislatures.

The act to nullify the fugitive-slave law was passed by the legislature of Massachusetts; then endorsed by her people at the polls in a subsequent popular election; and the members of her present legislature, now in session, instead of repairing the wrong done to the South, have sent on petitions to Congress to sustain them in their nullification by a repeal of the fugitive act itself. Practically, it is the same thing as if the personal-liberty bill had been passed by her people in convention. The honorable member from Massachusetts, [Mr. DAMRELL,] the other day, in his remarks, *admitted* that this law was passed by his State “*in her sovereignty.*” I employ his *exact language*. *If that be the fact*, then where lies our remedy? A grievous wrong has been done to the South; so great, indeed, that the President himself has said that as between “foreign powers it would be just cause of war.” It is a sound maxim in law that for every wrong there is a remedy. What is ours? Is it to be found in a second edition of Jackson’s proclamation against South Carolina in 1832, when she attempted to nullify the tariff law. I trust not sir. I never wish to see that experiment made again. I think South Carolina mistook her remedy—*secession*, and not *nullification*, ought to have been her watchword. But the President had no right to threaten her with the army and navy; because South Carolina was moving in her sovereignty. General Jackson himself, it is well known, afterwards repudiated the principles embodied in that proclamation. It never came, in the first place, from his pen, his head, or his heart. Whenever the proclamation and force bill shall be incorporated in the political platform of any national party in this country, and a candidate nominated thereon elected to the presidency, it will be after the teachings of Jefferson, Madison, Randolph, and Mason are forgotten. Then every vestige of State lines, State rights, and State sovereignties will be swept away, and federalism, in its most odious form, will triumph throughout the land! When the time comes that the union of the States can only be maintained by *force of arms*, the sooner it is dissolved the better—better for us, better for posterity, and the cause of republican governments throughout the world. We want no *subject States* in the Union; it is contrary to the spirit of the constitution, and the principles upon which the confederacy was formed.

When a State nullifies the laws of Congress, and still insists on remaining in the Union, as Massachusetts is now doing, my remedy is for Congress to ignore that State in the *appropriation bills*, and *exclude her from representation in this House, and also in the Senate.*

If Congress fails to protect the South against the operation of laws in the northern States which abrogate the constitutional right of recapture, then, gentlemen, we have another remedy; and, as a last resort, we will avail ourselves of it. *It is the law of retaliation.* That subject

was discussed during the past winter in the legislatures of most of the southern States, and found many advocates. It was determined, however, not to adopt that course for the present, but to postpone all action in the hope that a returning sense of justice might yet induce Massachusetts to discharge her constitutional obligations to us.

There is another circumstance, Mr. Chairman, connected with the history of the abolition party of Massachusetts, which, as it occurs to me now, I desire to notice. After obtaining control of the legislature, passing the personal-liberty bill, and chartering the Emigrant Aid Society, these men meet together in "Tremont Temple," and send out invitations to distinguished southerners to visit Boston and defend the institution of slavery! I deeply regret that any son of the South felt it to be his duty to favor the proposition. I do not question the motives by which the senator from Georgia [Mr. TOOMBS] was influenced in going there—they were doubtless patriotic. When I read his able vindication of the institutions of the South, and our constitutional rights in the Union, I was *almost* inclined to pardon him for not imitating the noble example set him by the gallant Wise of Virginia. But his lecture would now read *equally as well* had it been delivered in *Washington* instead of *Boston*. Go to Boston to reason with fanatics on the subject of slavery! What good could result from it? *Fanaticism has no ear for reason*. Sooner aim an arrow at the earth, and expect to see it win a passage through the heavens, or struggle with the "half-starved lion for his prey," than hope to silence fanaticism by the power of argument.

Mr. Chairman, I shall now notice a few points made by the honorable gentleman [Mr. DAMRELL] in his speech to which I have before alluded. Referring to the Congressional Globe, I find he is reported to have said:

"The gentleman from Alabama (Mr. SHORTER) has made an attempt, according to previous promise, to introduce resolutions to expel the Massachusetts delegation from the floor of this House, because in her sovereignty she passed the personal-liberty bill for the protection of her citizens against the operation of the odious slave law. I would suggest to the honorable gentleman first to offer a resolution to expunge the record of Massachusetts from the history of the country, and another to slide Bunker Hill and Lexington into the Atlantic."

Such, sir, is his language. "Slide Bunker Hill and Lexington into the Atlantic?" God forbid it! Cursed be the man who could entertain such a thought. Rather let them stand where they are, as everlasting monuments to the patriotism of a race now almost extinct in Massachusetts. Perhaps they may be the means of awakening in the hearts of a generation yet to be born upon that soil a desire to emulate the valorous deeds of those illustrious men whose names are so identified with those consecrated places that the wing of time can never efface them. Sir, I have a veneration even for the *rude mounds* which the wild Indians have left scattered throughout the dense forests of the South. I venerate *them*, because tradition says they were erected in memory of some gallant chieftain whose arm was mighty in war—whose heart was devoted to his tribe!

No, no! I would never rob Massachusetts, notwithstanding she has trampled under foot the constitutional rights of my section, of a single laurel that she has won in fighting the battles of the revolution. I delight to read her early history. In those days that "tried men's souls" she had *patriots* and *statesmen* among her sons; men who, to-day, if they

were permitted to revisit the fields of their glory, would *blush* at the position which Massachusetts has now assumed towards her sister southern States. They would pray Heaven that the spirit of wisdom, moderation, and justice might again return to that old Commonwealth, and dwell in her council halls! They would call to mind the time when Boston was in possession of the enemy, her citizens driven from their homes, and exposed to the pitiless storms—when, in that dark hour of her history, the genius of Massachusetts, with outstretched hands and a bleeding heart, appealed to the *South* for aid and protection! And *how*, I ask you—*how* was that appeal responded to? Did not a *southern* patriot from the banks of the beautiful Potomac—himself a slaveholder—fly to her rescue like an angel of liberty, and deliver her people from the bonds of captivity? But let a descendant of the family of Washington *now* go to the city of Boston to reclaim his fugitive slave—let him take with him the constitution of his country, by which Massachusetts is solemnly bound to surrender him—instead of recovering his property, he is *fortunate* indeed if he himself escapes with his life! Well may Massachusetts exclaim, “*Tempora mutantur et nos, mutamur cum illis!*”

The gentleman, sir, referred in rather a boastful manner to the “*record*” of his State, and suggested to me the propriety of offering a resolution to expunge it from the history of the country! Let me assure that gentleman that so long as I enjoy the honor of a seat in Congress I shall act in the discharge of my official duties on the responsibility of my own judgment, and that whenever I *need his counsel* he will not be required to *volunteer* it?

But, Mr. Chairman, since the gentleman has seen proper to assail the State of Mississippi, and to challenge a discussion of the “*record*” of his own State, I will take up the gauntlet he has thrown down, and enter the arena. I shall not be so ungallant as to defend Mississippi here. She has *her own* champions upon this floor; and among them, *one* at least, who has stood by the “*flash of the cannon*,” and successfully defended her honor amidst the thunders of battle!

I make free, however, to say that there *are* some things in the “*record*” of Massachusetts which, if I could, I would, for the honor of my country, gladly expunge. Would you know what they are? I would expunge the fact that the hero (!) of the disgraceful surrender of Detroit—the man who was sentenced by court martial to be executed, but was afterwards pardoned—had his home in Massachusetts. I would expunge the history of that State during the war with Great Britain in 1812. I would consign to the flames the letter written by her governor at that time in answer to a call made upon him by General Dearborn for troops to defend her own seacoast and her own towns. I would draw black lines around the fact that Massachusetts was the author of the treasonable Hartford Convention. I would expunge the *brutal murder of Batchelder*. I would wipe from the steps of her capitol the stain where he poured out his heart's blood in defence of the majesty of law and the constitution of his country!

There is another thing over which, God knows, if I had the power, I would throw a pall as dark as Erebus—I refer to the resolutions that were acted upon in the senate and house of the Massachusetts legisla-

ture during our war with Mexico. At that time the battle of Buena Vista had been fought and won. The first tidings of victory that came to us seemed to be borne on the wings of the wind, and spread over the Union with electric speed. The heart of the country leaped for joy. Every tongue was eloquent with the names and deeds of Taylor, Lane, Davis, Marshall, and their illustrious associates in arms. But Arkansas was called to mourn the death of her gallant Yell, Illinois her Hardin, Kentucky her McKee and Clay. The flag of the stars and stripes was entwined with the laurel and the myrtle—emblems of a nation's joy and a nation's grief! Under such circumstances, the legislature of Massachusetts met, and the following resolutions, having passed the house, were offered in her senate:

“Resolved, That the thanks of the legislature are due, and they are hereby tendered, to Major General Zachary Taylor, his officers and men, for the fidelity, skill, and courage which have distinguished their successful operations in the campaign of Mexico.

“Resolved, That while the people and legislature of Massachusetts feel proud of the brilliant achievements of the army employed in the war against Mexico, they mourn the loss of the officers and men who have gallantly fallen upon the battle field, and sincerely sympathize with their relatives and friends.”

But few members appear (by the report now before me) to have been present when the final vote on these resolutions was taken. Only *four*, however, are recorded in the affirmative; while *fourteen* voted in the negative!

But, sir, that was not the only resolution that was entertained by that legislature. The following was passed by the House; but to the honor of the *democratic* party be it said, they voted against it and stood by their country:

“Resolved, That such a war of conquest, so hateful in its objects, so wanton, unjust, and unconstitutional in its origin and character, must be regarded as a war against freedom, against humanity, against justice, against the Union, against the constitution, and *against the free States.*”

Mark the climax! They place the “free States” above freedom, humanity, justice, the Union, and the constitution! Those resolutions, sir, *speak for themselves*; and here I will close the book containing the “historic glories” of the State of Massachusetts!

But, before I dismiss the subject, there is one other fact so highly appropriate to the occasion, that I must mention it for the benefit of future historians. It is this: when the illustrious Mississippian on my right [General QUITMAN] captured the city of Mexico, and entered the palace of Santa Anna, he found there, to his mortification and regret, a copy of these Massachusetts resolutions! The world may judge whether they gave aid and comfort to the enemy!

But, Mr. Chairman, there are other parts of the gentleman's speech to which I desire to direct the attention of the House. Speaking about the Kansas question, and in reply to the gentleman from Missouri, [Mr. OLIVER,] he says:

“Who made Missouri the guardian of Kansas Territory? I admit it was prejudicial to the peculiar institutions of Missouri, but not to her true interests, to settle Kansas with freemen. Northern emigrants have never been sent to the Territory to interfere directly with slavery in Missouri, but to establish freedom in Kansas.”

Now, sir, in true Yankee style, to which the gentleman surely cannot object, I run the question he asks back again to him, and inquire who

made *Massachusetts* the guardian of *Kansas*? To what jurisdiction did she apply for letters of guardianship? She seems to have chartered the first company to take possession of the Territory, and to shape and control the future destinies of *Kansas*. Where did you get your authority from? He admits that it would be prejudicial to the "*peculiar institutions*" of *Missouri*, but contends that her "*true interests*" would not suffer, for slavery to be excluded from that Territory. Who is the better qualified to judge of that matter—the State of *Missouri*, or the honorable gentleman himself? *Missouri* thinks, and so does the whole South, that her "*true interests*" would be sacrificed by the creation of a free State on her western border. The "*true interests*" of the southern States are identified with their "*peculiar institutions*." Whatever affects the one reaches the other; strike down the one and the other falls also.

There is another admission which the gentleman makes that is worthy of notice. It is nothing *new* to the country; but heretofore his party, according to my recollection, has denied the charge. He admits that men have been "*sent*" by the North to establish "*freedom*" in *Kansas*. The apologists of the Emigrant Aid Society of his State have contended that they only "*aided*" honest emigrants in reaching that Territory when they desired, of their own accord, to go there and make it their permanent homes. The gentleman, however, now admits that men have been "*sent*" there, and that, too, *for a purpose*.

Again: he says the "*North* is determined to send into *Kansas* her best men, with *strong arms* and *brave hearts*, who will fearlessly rally around the standard of freedom," &c. If the country is involved in civil war over this *Kansas* question, the responsibilities will rest upon the abolition or black republican party of the North. They violated the principle of "*non-intervention*" contained in the *Nebraska* act, and inaugurated the system of *sending* men into *Kansas* to "*establish freedom*," and exclude the South from her equal rights in the common territories of the Union. And now the gentleman rises in his place on this floor and proclaims to the country that the North (by which, I suppose, he means the black republicans) is determined to send her "*best men*, with *strong arms* and *brave hearts*" to defend the standard of "*freedom*" in *Kansas*. Well, sir, I am glad you have informed us of that fact. *Forewarned, forearmed*. If that is your plan of operations, then, in behalf of the South, I say, send on your "*best men*" and your "*brave hearts*;" they will find men as good, and hearts as brave as theirs, to oppose them. Call in to your assistance the fanatical clergymen of your party—men who put on the "*livery of Heaven* to serve the devil in"—convert the pulpit from its holy purposes into a political rostrum. Instead of "*Christ, and him crucified*," let the "*wrongs of Kansas*" be your theme. In the place of songs and anthems to the most High, raise your voices "*in shrieks for freedom*." Call together your *Butchers*, and *Sillimans*, and *Duttons*, and re-enact the disgraceful scenes which were recently witnessed in a church at *New Haven*. Where ever before, in the history of this country, was there collected together in a temple dedicated to the worship of the living God such a compound of "*black spirits* and *white, blue spirits* and *gray*," as were there assembled? It reminded me of the infernal

cave scene in Macbeth—with the boiling cauldron in the centre—Dutton, Beecher, and Silliman, in imitation of the three witches, their illustrious prototypes, threw in the “poisoned entrals,” and exclaimed :

“Double, double, toil and trouble;
Fire burn, and cauldron bubble!”

Instead of offering prayers to Heaven for the temporal and spiritual welfare of the deluded victims whom they were sending to Kansas, we find those fanatics offering them *Sharpe's rifles*, and counselling them to engage in civil war and bloodshed! Go on, gentlemen, if you prefer it, in your aggressive warfare on the constitutional rights of the South. You are “sowing the wind”—beware, lest you “reap the whirlwind!”

The extraordinary exertions made by Massachusetts and the black republican party of the North to rob the South of her equal rights in the territories has had one *effect*. You have thoroughly aroused the southern States to a sense of their danger. You have caused them coolly to estimate the value of the Union; and we are determined to maintain our *equality* in it, or *independence out of it*. Your course upon this Kansas question has touched the heart and pride of the South. We were content to let the Territory be peopled by the natural laws of emigration. But you have thought proper to interfere, and with arms in hands threatened to monopolize the country—and that, too, for the declared purpose of affecting “injuriously” the peculiar institutions of the South. In my section of the Union the masses of the people are not easily *excited* to enthusiasm by any political questions. They are never carried away by those obnoxious “isms” of the day which have sprung up under the fostering influence of the abolition party. We do not dwell in cities and towns as universally as you do in the North. We are scattered over a vast extent of fertile country, and, in the peaceful pursuits of agriculture, are content, happy, and independent. But, when *once* aroused by a sense of wrong and oppression, the spirit of the South is invincible. It follows wherever the voice of patriotism calls. It is that spirit which has always led our *armies* on to battle and to victory. Send on your “brave men” and “strong arms” to Kansas; whenever your hostile swords glisten in the sunbeams there, you will find foemen worthy of your steel!

Mr. Chairman, I cannot dismiss the gentleman from Massachusetts without noticing another portion of his speech. He said :

“I would inform the honorable gentleman (Mr. OLIVER) that there is another class of preachers at the North who, I *know*, bow so low to the ‘patriarchal institution,’ that they are ready to send their mothers into slavery at the bidding of the slave power.”

Now, sir, I deny the right of the gentleman to pronounce such a judgment upon those conservative preachers in the North, who entertain a high regard for the sanctity of the pulpit, and who never have interfered with the constitutional rights of the South, nor undertaken to advise Congress in the name of the Almighty himself. But as the gentleman affirms that he “*knows*” such cases, and seems to speak from personal acquaintance, I will make no issue of veracity with him. Yet, sir, I will venture this assertion: Let him point me out a preacher in his district—a *free white* man—who is base enough to send his *own* mother into slavery at the bidding of *anybody*, and I will undertake to

pronounce that man an *abolitionist*, and one, too, who belongs to that party in Massachusetts, which is in favor of reducing to a test the question as to the *capacity* of the Caucasian to absorb the *African race*.

Gentlemen, this slavery question, which the fanatics of the North have forced upon the country, has now assumed a fearful aspect. The South has planted itself where it intends to stand or fall, Union or no Union, and that is upon the platform laid down by the Georgia convention. The next presidential election will be decided upon a *sectional* issue. *The black republican party* or the *national democracy* will make the president. What is the "programme" of these misnamed republicans? The aged member from Ohio, who for the last twenty years has acted as high priest in the abolition church, and kept the fires blazing on its altars, has boldly proclaimed it to the world. He always expresses his sentiments freely and fearlessly. That is *one* feature in his political character which commands my respect. But with him, as with the Corsair, it may be only "one virtue linked with a thousand crimes." Give me for an enemy a man who always openly avows himself one. I know how to meet, and, if it needs be, to fight him. But heaven save me from falling a victim to the dagger of an assassin!

What then, sir, is that programme? *An expulsion of the South from all the common territories of the Union; no more slave States to be admitted; and the repeal of the fugitive-slave law.*

I want these questions, sir, met fairly and squarely. [A VOICE. "That is right—that is our platform."] Then stand up to your platform, and let the country know where you are. We tell you plainly that we take issue with you; and whenever you repeal the fugitive-slave law, or refuse to admit a State on account of slavery in her constitution, or our equality in the territories is sacrificed by an act of Congress, *then* the star of this Union will go down to rise no more.

Should we be forced to dissolve the Union in order to preserve southern institutions and southern civilization, we will do it in *peace*, if we can; in *war*, if we must; and let the God of battles decide between us.

The shadows, sir, of the coming storm already darken our pathway. It will soon be upon us with all its fury. I regret that, in this critical period of our country's history, those three great men, to whom we have been heretofore accustomed to look in the hour of peril for counsel and protection, are gone. They have made their last speech—fought their last battle for the constitution and the Union. Webster—the profound lawyer, the elegant scholar, the statesman—the man who was expelled by the citizens of Boston from Faneuil Hall—the cradle of liberty—because he dared stand up in the Senate chamber on a memorable occasion and speak "not as a Massachusetts man, not as a northern man, but as an American"—Webster, the Godlike in intellect, where is he? Go to Marshfield, and in the wild ocean's roar you may yet hear his requiem. The clear, eloquent voice of the man of Ashland—which always held captive those who came within its magic influence—will never again be heard in the halls of Congress tendering the olive branch between the contending sections of the Union. And when we cast our eyes to the extreme South, we look in vain for that star of the first magnitude which for nearly half a century had no rival in that political firmament. The beautiful palmetto now casts its shade upon the grave

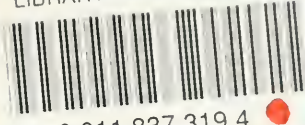


of the great Calhoun. In life he was a tower to the South, but to the Union itself. Gifted with the spirit of prophecy, he looked far into the future, and told us of the events now transpiring around us. His political platform was the constitution of his country, strictly construed. In debate he wielded a flaming sword in defence of the rights of the States against federal usurpation. Some there were, I know, who, unable to fathom his patriotism and comprehend his motives, were accustomed to denounce him as an "alarmist," an "abstractionist," a "disunionist;" but when those men who thus slandered him are dead and gone, and their names no longer remembered on earth, the fame of Calhoun will shine out with all the splendor of the mid-day sun. But peace to his ashes—green be the grass upon his grave!

I repeat, sir, that in this hour of danger it is a source of regret to me that the ship of State has to be entrusted to new and comparatively untried hands. Whether it will go down beneath the waves of popular excitement, or ride out the storm in safety, is a problem yet to be solved. *The presidential election will settle the question.* I hope and trust in God that the Union of these States, as established by our forefathers, will be preserved, and handed down as a blessing to posterity. I love the Union. I am no disunionist *per se*, and never was. In 1851 I acted with the southern-rights party, and glory in it now. But, sir, I loved the Union then, and love it still. I wish it to last as long as the sun shines or the water runs. Its "music" has a charm to my ear; but I can never "keep step to it" unless I am marching under the *banner of the constitution*. I blindly follow no party—no men.

How can the Union be preserved? There is but one way to save it. *Let the South, as a unit*, act with the true and conservative democrats in the North, who are now rallied under the flag of State rights and the constitution, and fighting nobly against our common enemy. If the national democracy, as at present organized, shall succeed, all will be well; but, if the banner of black republicanism triumphs, it will be the signal for the destruction of the best government that the genius of man ever constructed. We will stand by you, men of the North, who stand by our constitutional rights; we will strengthen your arm in the fight, and hope that our voices may mingle with yours in the shouts of victory at the end of the contest. The peace of the country requires that this fanatical abolition spirit should be crushed. I appeal to the conservative men of the North to terminate this crusade which republicans and abolitionists, in an allied army, are urging against the rights of the South. Let this agitation cease. Let the blessings of this government fall, like the dews of heaven, equally upon all sections of the Union, and then you will find the citizens of the whole country clinging to the constitution as the palladium of our rights, and to the union of these States as the ark of our political safety. Then, as the rays of the morning sun falling on Memnon's lyre always cause it to vibrate tones of heavenly music, so will the light which shines forth from the stars of our national flag ever fill the great heart of the American people with joyful enthusiasm, and animate it with impulses of a lofty patriotism.

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